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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,118	12/21/2001	Robert Harvey Kane	US010688	3122
24737	7590	11/01/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CONSILVIO, MARK J	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,118	Applicant(s) KANE, ROBERT HARVEY	
	Examiner Mark Consilvio	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 14-20 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: All the new claims are drawn to non-elected species II, corresponding to the embodiment shown in figure 4.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

The indicated allowability of claims 2 and 4 is withdrawn in view of the newly discovered reference(s) to Hirata et al. (US Patent No. 6,124,979) and Hansen et al. (US Patent Application Publication No. 2002/0015135). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (US Patent Application Publication No. 2002/0015135) in view of Hirata et al. (US Patent No. 6,124,979).

With respect to claim 1, Hansen discloses a light polarizing device (200) comprising: a polarizing element (205) having an optically transparent substrate (202), an optically transparent cover sheet (203) sealed to a substrate (202), and an enclosure (207) including a non-reactive atmosphere (e.g. a vacuum) which can be understood to protect the optical element from environmental conditions (fig. 9 and pars. 125-134). While not expressly disclosed, it would be immediately understood by one of ordinary skill that the polarizing elements (205) are corrosion-sensitive, particularly to oxidation, when made from materials such as aluminum, silver, copper or gold (par. 131) and that the vacuum atmosphere would protect the optical elements. Hansen does not expressly disclose the cover sheet seal forms a sealed enclosure surrounding optical element. However, Hirata teaches a corrosion-sensitive polarizing element (8) sealed between transparent sheets (81, 82) to protect the corrosion-sensitive polarizer from the ambient environmental conditions (fig. 54 and col. 37, lines 18-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Hansen and Hirata to further seal the polarizing element of Hansen in the manner taught by

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Hirata. One of ordinary skill in the art would have been motivated to do this to protect the sensitive polarizing element from environmental conditions such as a corrosive cooling fluid or the like.

With respect to claim 2, the combination of Hansen and Hirata discloses or suggests all the limitations of claim 1, as stated supra. Additionally, Hansen teaches that the polarizing element (205) includes a wire-grid polarizing element.

With respect to claim 3, the combination of Hansen and Hirata discloses or suggests a light polarizing device comprising: an optically transparent substrate, a corrosion-sensitive polarizing element on the substrate, an optically transparent cover sheet, sealant (83 in fig. 54 of Hirata) extending around the periphery of the device between the substrate and the cover sheet, and non-reactive atmosphere filling the interior space between the substrate and the cover sheet and protecting the corrosion-sensitive polarizing element as stated supra. The references are silent to a plurality of spacers distributed around the periphery of the device and supporting the cover sheet on the substrate above the element. However, the examiner takes Official Notice that spacers used to evenly space substrates are well known in the art. Further, one of ordinary skill would have understood that the spacers on each side would also protect the assembly from damage and allow the sealant to evenly seal the assembly without interfering with the optical transmission of the polarizer. Therefore, for these reasons, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further provide such spacers around the periphery of the device and supporting the cover sheet on the substrate above the element to the combination stated supra.

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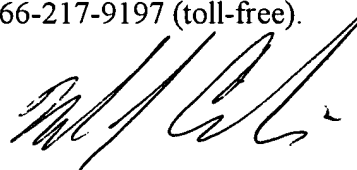
With respect to claim 4, the combination of Hansen and Hirata discloses or suggests all the limitations of claim 3, as stated supra. Additionally, Hansen teaches that the polarizing element (205) includes a wire-grid polarizing element.

Conclusion

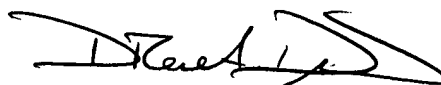
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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